

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED
97 JUN -4 PM 12:56
U.S. DISTRICT COURT
N.D. OF ALABAMA

CARPENTERS LOCAL UNION
127 HEALTH & WELFARE
FUND; CARPENTERS LOCAL
UNION 127 MONEY PURCHASE
PENSION PLAN; and
CARPENTERS LOCAL UNION
127 APPRENTICE TRAINING
PROGRAM TRUST,

Plaintiffs,

vs.

CV 96-L-3097-S

JERALD MCCARTY,
individually, and d/b/a
MCCARTY CONSTRUCTION
CO.,; and MCCARTY
CONSTRUCTION CO.,

Defendants.

ENTERED

JUN 4 1997

FINDINGS AND CONCLUSIONS

This cause coming on to be heard on the written application of plaintiff, supported by certificate, for judgment by default in favor of plaintiff and against defendant pursuant to Rule 55, Federal Rules of Civil Procedure, the court makes the following findings and conclusions:

1. The summons and complaint were served upon defendant on December 4, 1996. Defendant has failed to appear, plead, or otherwise defend.

2. Defendant is not an infant or incompetent person, nor has he been in the military service of the United States since the filing of this suit nor for a period of six months prior to such filing.

11

3. Defendant is indebted to plaintiff in the principal sum of \$36,615.55, to be divided as follows:

Contributions and interest due Health & Welfare Plan: \$14,275.45

Contributions and interest due Pension Plan: \$15,196.43

Contributions and interest due Apprenticeship Fund: \$ 1,511.36

Liquidated damages due Health & Welfare: \$ 2,628.96

Liquidated damages due Pension Plan: \$ 2,798.57

Liquidated damages due Apprenticeship: \$ 278.96

In addition, defendant is indebted in the amount of \$915.00 for attorney's fees, plus court costs, and future costs and interest in effect from date judgment is entered. A judgment will enter accordingly.

DONE this 4th day of June 1997.


SENIOR JUDGE